
Judiciary Committee

HB 1358

Title: An act relating to recidivism reduction through discharge of convicted felons.

Brief Description: Regarding recidivism reduction through discharge of convicted felons.

Sponsors: Representatives Flannigan, Jarrett, Grant, Walsh, Kirby, Appleton, Kagi, Pettigrew, Darneille, Lovick, Lantz, Fromhold, Haigh, Hasegawa, Kenney, McIntire and Chase.

Brief Summary of Bill

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| <ul style="list-style-type: none">• Allows an offender to be discharged from his or her sentence before paying off all legal financial obligations if the offender has met all other sentence requirements and has made and is currently making reasonable efforts to satisfy the legal financial obligations. |
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Hearing Date: 2/2/05

Staff: Trudes Tango Hutcheson (786-7384).

Background:

When a defendant is convicted of a crime, the court may impose financial obligations as part of the judgment and sentence. These legal financial obligations (LFOs) may include: victim restitution; crime victims' compensation fees; court costs; court-appointed attorneys' fees and costs of defense; fines; and other costs associated with the offense or sentence. The court establishes the amount per month the offender is required to pay. LFOs are enforceable the same as money judgments in civil actions.

When an offender has completed all requirements of his or her sentence, including payment of all LFOs, the sentencing court issues a certificate of discharge to the offender. The court must also send a copy of certificate of discharge to the county auditor.

Upon receiving a certificate of discharge, the offender's civil rights, except the right to bear arms, are restored. Among the civil rights restored are the right to vote, serve on a jury, and hold public office.

Summary of Bill:

The legislature finds that successful reentry and reintegration of previously incarcerated persons is important for public safety and healthy communities. Receipt of a certificate of discharge is critical to the person's reintegration into society and avoidance of recidivism.

An offender may be considered discharged from his or her sentence before completing payment of LFOs if the offender:

- has met all other sentence requirements; and
- has made and is currently making reasonable efforts to satisfy LFOs according to his or her ability to pay.

Discharge does not change the offender's liability for LOFs or the court's jurisdiction over the offender for collection and compliance purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.